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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,567	08/20/2003	Scott G. Walton	N.C. 84,613	6607

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EXAMINER

MCDONALD, RODNEY GLENN

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,567

Applicant(s)

WALTON ET AL. 

Examiner

Rodney G. McDonald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/03, 10/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1, "large" lacks basis for comparison.

Claim 1, line 5, "low" lacks basis for comparison.

Claim 7, line 1, "said film or coating material source" lacks antecedent basis. It is suggested to write this as "said material source".

Claim 8, line 2, "hot" lacks basis for comparison.

Claim 11, line 1, "large" lacks basis for comparison.

Claim 11, line 2, is indefinite because it incorporates some claim limitations of claim 1 in the claim.

Claim 12, line 1, is indefinite because it depends on "claim 13". Should it depend on claim 11?

Claim 13, line 1, is indefinite because it depends on "claim 14". Should it depend on claim 11?

Claim 14, lines 1 and 2, is indefinite because "said electron beam produced plasma" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Moseson (U.S. Pat. 3,393,142).

With regard to Applicant's claim 1, Moseson teach an apparatus for establishing an ion plasma adjacent an ion target for sputtering of the ion target to form films on a substrate. (Column 1 lines 60-64)

With regard to Applicant's claim 1 A.) and considering Figure 4 of Moseson, the apparatus can comprise an electron beam source comprised of a filament 41 guided by a tubular member 32 into the interior of an adaptor 184, which rests on the plate 50. The adaptor 184 has a nozzle 185, which extends in the direction of an anode 181. The tubular member 32 and the adaptor 184 jointly operate to provide a stream of electrons, which issues through the nozzle 185 in a direction substantially parallel to the plate 50. (Column 6 lines 36-43) The configurations of the adaptor 184 and the nozzle 185 are best apparent from Fig. 5 of the drawings. From this figure it will be recognized that the nozzle 185 defines a rectangular aperture 187, which is similar to the previously described aperture 155 shown in Fig. 3. Dotted lines in Fig. 5 indicate the configuration on anode 181. This anode configuration corresponds to the configuration of the aperture 87, so that an approximately prismatic ion plasma will be formed between the

nozzle 185 and the anode 181 in the absence of a magnetic field. Dotted lines 188 in Fig. 4 are intended to outline this ion sheet. (Column 6 lines 44-55) The apparatus shown in Figs. 4 and 5 has the advantage that the ion plasma sheet is in a horizontal plane. (Column 6 lines 72-74) From Fig. 5 the width of the electrons beam is much large than it's thickness. (See Fig. 5)

With regards to Applicant's claim 1 B.) and considering Figure 4 of Moseson, the plasma sheet exists in the horizontal plane (Column 6 lines 72-74) produced from the electrons and has a width, thickness and length as seen and suggested in Figs. 4 and 5. (See Figures 4 and 5)

With regards to Applicant's claim 1 C.) and considering Figure 4 of Moseson, an electromagnetic coil 193 is positioned to establish parallel field lines and control the plasma and thus the sputtered film density on the substrate. The coil 193 may be movable (Column 6 lines 69-71) in order to effect the uniformity of film thickness on the substrate surface. (Column 4 lines 65-68) The plasma is in a horizontally sheet. (Column 6 lines 72-73)

With regards to Applicant's claim 1 D.) and considering Fig. 4 of Moseson, an ion target 95 is present for depositing a film of coatings on substrates. (Column 6 lines 56-62)

With regards to Applicant's claim 1 E.) and considering Fig. 4 of Moseson, a substrate 190 is present for deposition upon. (Column 6 lines 59-62)

With regards to Applicant's claim 2, the target 95 is connected to battery 102 in order to provide the bias in order to attract ions out of the plasma sheet for sputtering. (Column 6 lines 18-35; Column 6 lines 56-62)

With regards to Applicant's claim 3, the electrical bias is DC bias as shown schematically in Fig. 4. (See Figure 4)

With regards to Applicant's claim 7, the Moseson recognize that metallic elements and many alloys have been sputtered in the prior art (Column 1 lines 24-27) and their invention provides an apparatus for depositing those thin film materials. (Column 1 lines 53-56) A target is used for depositing the films. (Column 6 lines 56-62)

With regard to Applicant's claim 8, a filament is utilized as the electron source. (Column 6 line 36)

With regard to Applicant's claim 9, Moseson teach in all embodiments a gas tank 28 for providing a gas to facilitate ionization. The gas can be argon. (Column 2 lines 51-55; Figures 1, 2, 4 and 6)

With regard to Applicant's claim 11, Moseson teach utilizing an electron beam system (See discussion above with respect to Applicant's claim 1 A.) and utilizes a sputtering target for generating a film. (See discussion above with respect to Applicant's claim 1 D.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseson (U.S. Pat. 3,393,142) in view of Oda et al. (U.S. Pat. 3,436,332).

Moseson is discussed above and all is as applies above. (See Moseson discussed above)

The differences not yet discussed is biasing the substrate (Applicant's claim 4) is not discussed, utilizing DC or RF sources to bias the substrate (Applicant's claim 5) is not discussed, and biasing both the substrate and the target (Applicant's claim 10) is not discussed.

Oda et al. teach biasing the substrate. The substrate can be biased by a DC electric source or an AC electric source. (Column 3 lines 11-18) Oda et al. further suggest that the target be sputtered by applying a bias voltage as well. (Column 2 lines 70-72; Column 3 lines 1-5)

The motivation for biasing the substrate and utilizing DC or RF sources to bias the substrate is that it prevents electrons from entering the electron guide tube 16.

(Column 3 lines 15-18)

The motivation for biasing both the substrate and the target is that it allows for deposition of films. (Column 3 line 5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Moseson by biasing the substrate, utilizing DC or RF sources to bias the substrate and biasing both the substrate and the target as taught by Oda et al. because it allows for preventing electrons from entering the electron guide tube and for depositing films.

Claims 1, 6, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseson (U.S. Pat. 3,393,142) in view of Hurwitt et al. (U.S. Pat. 6,416,635).

Moseson is discussed above and all is as applies above. (See Moseson discussed above)

The differences between Moseson and the present claims are where the relative position of the beam plasma, the target and substrate is adjustable (Claim 6) and where a magnetron sputtering source is utilized (Claim 12).

With regard to Applicant's claim 6, Hurwitt et al. teach that either the target or the substrate can be moved relatively to one another. (Column 5 lines 47-53) Also, the primary reference to Moseson suggest adjusting the beam position by moving the magnet field. (See Moseson discussed above)

The motivation for moving the target and the substrate relative to one another is that it allows for improving uniformity. (Column 6 lines 3-8)

With regard to Applicant's claim 12, Hurwitt et al. teach that a magnet assembly can be utilized behind the target for confining and enhancing the plasma during sputtering. (Column 6 lines 56-59)

The motivation for utilizing a magnetron is that it allows for confining and enhancing the plasma during sputtering. (Column 6 lines 56-59)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Moseson by moving the substrate and target relative to one another and to have utilized a magnetron for confining and enhancing the plasma during sputtering as taught by Hurwitt et al. because it allows for forming uniform films and for confining and enhancing the plasma during sputtering.

Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseson (U.S. Pat. 3,393,142) in view of Bunshah et al. (U.S. Pat. 4,336,277).

Moseson is discussed above and all is as applies above. (See Moseson discussed above)

The differences between Moseson and the present claims are that the vaporization means is not discussed (Claim 13) and the positioning of the electron beam produced plasma being between the source material and the substrate is not discussed (Claim 14).

With regard to claims 13 and 14, Bunshah et al. suggest placing a vaporization means in a chamber opposite substrates with an electron beam means positioned

between the vaporization means and the substrates. (See Figure; Column 3 lines 25-27; Column 56-68)

The motivation for utilizing a vaporization means and locating the electron beam between the source and the substrate is that it allows for producing high quality coatings. (Column 1 lines 35-36)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a vaporization means and positioned the electron beam produced plasma between the source material and the substrate as taught by Bunshah et al. because it allows for producing high quality coatings.

Claims 1-3, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseson (U.S. Pat. 3,393,142) in view of Meger et al. "Beam generated plasmas for processing applications", Physics of plasmas, Volume 8, Number 5, May 2001, pp.2558-2564.

Moseson is discussed above and all is as applies above. (See Moseson discussed above)

The difference between Moseson and the present claims is the exact width and thickness of the electron beam.

Meger et al. teach an electron beam that is 1 cm thick and 15-30 cm wide. (See Meger et al. Page 2559)

The motivation for utilizing an electron beam that is wider than it's thickness is that it allows for providing greater control and larger area production of plasmas. (See Abstract)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Moseson by utilizing an electron beam that is wider than its thickness because it allows for providing greater control and larger area production of plasmas.

Claims 4, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseson in view of Meger et al. "Beam generated plasmas for processing applications", Physics of plasmas, Volume 8, Number 5, May 2001, pp.2558-2564 as applied to claims 1-3, 7-9 and 11 above, and further in view of Oda et al. (U.S. Pat. 3,436,332).

The differences not yet discussed are the biasing the substrate (Applicant's claim 4) is not discussed, utilizing DC or RF sources to bias the substrate (Applicant's claim 5) is not discussed, and biasing both the substrate and the target (Applicant's claim 10) is not discussed.

Oda et al. teach biasing the substrate. The substrate can be biased by a DC electric source or an AC electric source. (Column 3 lines 11-18) Oda et al. further suggest that the target be sputtered by applying a bias voltage as well. (Column 2 lines 70-72; Column 3 lines 1-5)

The motivation for biasing the substrate and utilizing DC or RF sources to bias the substrate is that it prevents electrons from entering the electron guide tube 16. (Column 3 lines 15-18)

The motivation for biasing both the substrate and the target is that it allows for deposition of films. (Column 3 line 5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have biased the substrate, utilized DC or RF sources to bias the substrate and to have biased both the substrate and the target as taught by Oda et al. because it allows for preventing electrons from entering the electron guide tube and for depositing films.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseson in view of Meger et al. "Beam generated plasmas for processing applications", Physics of plasmas, Volume 8, Number 5, May 2001, pp.2558-2564 as applied to claims 1-3, 7-9 and 11 above, and further in view of Hurwitt et al. (U.S. Pat. 6,416,635).

The differences not yet discussed are where the relative position of the beam plasma, the target and substrate is adjustable (Claim 6) and where a magnetron sputtering source is utilized (Claim 12).

With regard to Applicant's claim 6, Hurwitt et al. teach that either the target or the substrate can be moved relatively to one another. (Column 5 lines 47-53) Also, the primary reference to Moseson suggest adjusting the beam position by moving the magnet field. (See Moseson discussed above)

The motivation for moving the target and the substrate relative to one another is that it allows for improving uniformity. (Column 6 lines 3-8)

With regard to Applicant's claim 12, Hurwitt et al. teach that a magnet assembly can be utilized behind the target for confining and enhancing the plasma during sputtering. (Column 6 lines 56-59)

The motivation for utilizing a magnetron is that it allows for confining and enhancing the plasma during sputtering. (Column 6 lines 56-59)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have moved the substrate and target relative to one another and to have utilized a magnetron for confining and enhancing the plasma during sputtering as taught by Hurwitt et al. because it allows for forming uniform films and for confining and enhancing the plasma during sputtering.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moseson in view of Meger et al. "Beam generated plasmas for processing applications", Physics of plasmas, Volume 8, Number 5, May 2001, pp.2558-2564 as applied to claims 1-3, 7-9 and 11 above, and further in view of Bunshah et al. (U.S. Pat. 4,336,277).

The differences not yet discussed are that the vaporization means is not discussed (Claim 13) and the positioning of the electron beam produced plasma being between the source material and the substrate is not discussed (Claim 14).

With regard to claims 13 and 14, Bunshah et al. suggest placing a vaporization means in a chamber opposite substrates with an electron beam means positioned between the vaporization means and the substrates. (See Figure; Column 3 lines 25-27; Column 56-68)

The motivation for utilizing a vaporization means and locating the electron beam between the source and the substrate is that it allows for producing high quality coatings. (Column 1 lines 35-36)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a vaporization means and positioned the electron beam produced plasma between the source material and the substrate as taught by Bunshah et al. because it allows for producing high quality coatings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M- Th with Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney G. McDonald
Primary Examiner
Art Unit 1753

RM
December 21, 2004